

MEETING SUMMARY

of the

VIRTUAL TOUR AND PUBLIC COMMENT SESSIONS

of the

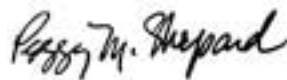
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**December 3 and 4, 2001
Seattle, Washington**

Meeting Summary Accepted By:



**Charles Lee
Designated Federal Officer**



**Peggy Shepard
Acting Chair**

**CHAPTER TWO
VIRTUAL TOUR AND
PUBLIC COMMENT PERIOD**

1.0 INTRODUCTION

On December 3rd, 2001, a “virtual” tour of local sites with environmental justice concerns was presented to the members of the National Environmental Justice Advisory Council’s (NEJAC) Executive Council. The tour was intended to provide to the NEJAC information that is representative of the environmental concerns of local communities in the Seattle region. Individuals representing communities in Washington, Oregon, Idaho, and Alaska discussed their concerns about fish consumption and contamination.

The Executive Council of the NEJAC also held one public comment period on December 4, 2001. During the session, 29 individuals offered comments.

This chapter presents summaries of the testimony the Executive Council of the NEJAC received during the virtual tour, the public comment period, and the comments and questions that the testimony prompted on the part of the members of the Executive Council. Section 2.0, *Virtual Tour Held on December 3, 2001*, summarizes presentations made on fish consumption and contamination. Section 3.0, *Public Comment Period Held on December 4th, 2001*, summarizes the testimony offered on that date related to fish consumption and water quality. It also summarizes the dialogues between presenters and members of the Council that followed those presentations.

**2.0 VIRTUAL TOUR HELD ON
DECEMBER 3, 2001**

Five individuals presented information during the virtual tour; their presentations are summarized below.

2.1 Frank Roberts, Coeur d’Alene Tribe, Idaho

Mr. Frank Roberts, Coeur d’Alene Tribe, Idaho, explained to the members of the Executive Council that he had worked with the Coeur d’Alene tribe for 10 years, performing GIS work and developing baseline information about the contamination and consumption of fish in the tribal region. Waterways on which members of the tribe depend for subsistence living are being contaminated with heavy metals and lead from strip mining operations, he said. The elders are passing away, he explained, and, because members of the tribe cannot live off the land’s resources, the tribe’s traditions and culture are disappearing with the elders. Fewer than five remaining members of the tribe speak the native

language, and the tribe’s legacy soon will be lost, declared Mr. Roberts. In closing, Mr. Roberts pointed out that the government protects endangered species and plants, but is not doing anything to preserve the well-being of the “endangered” Coeur d’Alene tribe.

Ms. Savonala Horne, North Carolina Association of Black Lawyers and chair of the Enforcement Subcommittee of the NEJAC, asked Mr. Roberts about the loss of heritage and culture among the Coeur d’Alene people. Mr. Roberts replied that, since the advisories tell people not to eat fish, the people must purchase their food in stores. That practice adversely affects the culture, he explained, because people are not exposed to nature and tribal heritage. It also creates a “generational disconnect,” he stated. Mr. Roberts then pointed out that it is not difficult to obtain money for performing studies of contamination, but it is difficult to obtain money for studying cultures and for preserving those cultures.

2.2 Daniel Morfin, Farm Worker, Granger, Washington

Daniel Morfin, farm worker, Granger, Washington, who reported that he has worked in the agriculture industry for more than 20 years, stated that many farm workers suffer from ailments caused by exposure to pesticides. The water quality in Washington is poor, he continued, and many canals in the Aquemine Valley are polluted. Thousands of gallons of herbicides and pesticides are applied to the land, he stated; those materials can travel for miles and pollute rivers far from the source of contamination, he pointed out. Orchards often are located near towns and cities, he added, where population density is high. A recent medical study conducted among residents in the valley had revealed that the rates of respiratory ailments among those residents are among the highest in the nation, continued Mr. Morfin. Laws that are intended to protect farm workers are not enforced, he declared. Farm workers have tried to alert agencies about the harmful pesticides that are being used, he continued, but the agencies have not taken action.

Mr. Morfin stated that in Oregon and Washington, more chemicals are used for agriculture than any other states in the nation. Farm workers are the only people who know exactly which illegal chemicals and mixtures of chemicals are being used and stored, he claimed. Those farm workers are the only people who will tell agencies the truth, he emphasized, because they have no reason to lie. Mr. Morfin said

reiterated that regulatory agencies continue to neglect to take action.

Ms. Wilma Subra, Louisiana Environmental Action Network and member of the Air and Water Subcommittee of the NEJAC, asked Mr. Morfin whether the pesticides that farm workers are using are illegal or whether it is the mixing of the pesticides that is illegal. Mr. Morfin replied that some of the pesticides in use have been banned by the federal government, and the mixing of the pesticides is illegal, as well. In addition, he asserted, families are being exposed to the chemicals, and many communities are located along fields that are treated by aerial spraying. Children living in those rural areas exhibit high levels of exposure, he declared, and asthma rates are elevated. Salmon in the Columbia River are contaminated with DDT, he stated. Mr. Morfin then said that farm workers often have advance notice of inspections, so they remove labels from the tanks in which chemicals are stored so that inspectors will not be able to determine what chemicals are present. Mr. Larry Charles, ONE/CHANE Inc. and member of the International Subcommittee of the NEJAC, pointed out that there are similar cases throughout the country. The NEJAC should make an effort to influence EPA to address such issues, declared Mr. Charles. He then suggested that Mr. Morfin attempt to contact the regional administrator of EPA to solicit the agency's assistance.

2.3 Jeri Sundvall, Environmental Justice Action Group, Portland, Oregon

Explaining that when her tribe lost its status as a federally-recognized Indian tribe in 1954, Ms. Jeri Sundvall, Environmental Justice Action Group, Portland, Oregon, stated that its members were expected to assimilate into the general population. Although the tribe's status was reinstated in 1986, she continued, it had been "robbed of its heritage." Portland is affected by issues related to water, she explained, and contamination has created a Superfund site on the banks of the Willamette river. Fishermen are developing cancers, she stated, and Native American fishermen are more susceptible because their rate of consumption of fish is high. There is a "large disconnect" between Native Americans and regulatory agencies, she pointed out.

Ms. Sundvall informed the members of the NEJAC that her tribe currently is fighting a proposal for the development of a highway through their community. The issue is an environmental justice issue, she stated, explaining that air quality in the community already is poor. The rate of asthma in her

community is much higher than the national average, she continued, but the asthma rates are much lower in the affluent section of southwest Portland. The U.S. Federal Highway Administration currently is examining models prepared by the state that predict that air quality will improve by 40 percent in the future, she explained, noting that those data are being used to generate support for the new highway. The problem with the models, she claimed, is that the models assume that nonexistent, efficient technologies will be implemented in the future. It is not logical to base data on such assumptions, she stated.

2.4 Rosemary Ahtuanguak, Inupiat Community of Arctic Slope, Barrow, Alaska

Speaking on behalf of the Native Village of Nuiqsut of Barrow, Alaska, Ms. Rosemary Ahtuanguak, Inupiat Community of Arctic Slope, Barrow, Alaska, explained to the NEJAC that contamination of water caused by the operations of the oil industry is a serious problem in rural Alaska. There are 229 federally recognized tribes in the state, she pointed out, and issues related to environmental justice just recently have begun to be addressed. State agencies often value profit over tribal beliefs and views, she asserted. Only 500 people live in her village, she explained, and their views often are overlooked. Industry representatives typically have the resources to perform studies and analyses, she emphasized, and the results often are misconstrued. For example, she stated, federal agencies say that fish taken from local waters are safe to eat, but those agencies do not account for the high consumption rates of fish among Native Americans. She explained that Native Americans consume parts of the fish that are more contaminated than other parts; the studies do not account for that practice, she noted.

Ms. Jana Walker, Law Office of Jana L. Walker and member of the Indigenous Peoples Subcommittee of the NEJAC, asked Ms. Ahtuanguak about the status of fish advisories in Alaska and what recommendations have been made about cod. The advisories recommend the consumption of no more than six cod per year, she replied, adding that fish advisories are announced in relation to the actions of the U.S. Department of Defense (DOD). The quantity and quality of fish are declining, she continued, and their fat content is lower than it was in the past.

Mr. Charles then pointed out that the NEJAC would be much more effective if it could influence the way EPA acts, as opposed to focusing on the small

issues brought before it. Ms. Ahtuanguaruak asked the NEJAC how she can gain access to the resources that the NEJAC has at its disposal. Ms. Annabelle Jaramillo, Benton County Board of Commission and chair of the Air and Water Subcommittee of the NEJAC, replied that the NEJAC does not necessarily have resources. She explained that the NEJAC can advise EPA to enforce existing laws, because the laws should have an equal effect on all communities.

2.5 Lee Tanuvasa, Korean Woman's Association, Tacoma, Washington

Mr. Lee Tanuvasa, Korean Woman's Association, Tacoma, Washington, informed the council that, with the assistance of funding from EPA, his organization is conducting a study to determine whether it is safe for Asian Pacific Islander communities to consume shellfish. In such communities, consumption of fish is part of the everyday diet, he added. Mercury contamination in fish is the principal problem. The language barrier poses a significant problem to informing residents about the dangers of consuming some shellfish, he pointed out, adding that there is a need to provide more education to the communities. Mr. Tanuvasa requested advice about the most effective way to present the findings of the study to communities.

3.0 PUBLIC COMMENT PERIOD HELD ON DECEMBER 4, 2001

This section summarizes the comments presented to the Executive Council during the public comment period held on December 4, 2001, along with the questions and observations those comments prompted among members of the Executive Council.

Comments are summarized below in the order in which they were offered.

3.1 Dr. Mildred McClain, Citizens for Environmental Justice, Savannah, Georgia

Dr. Mildred McClain, executive director of Citizens for Environmental Justice, Savannah, Georgia, submitted a written statement to the members of the Executive Council. In that statement, Dr. McClain stated that, despite numerous revisions, the fish advisory that was issued for Georgia and South Carolina several years earlier remains at a "disconnect" from citizens who frequently fish in waterways in Georgia and South Carolina. The outreach activities of the South Carolina Department of Health and Environmental Control, the Georgia Environmental Protection Division, and the

Savannah River Community Advisory Board, have "failed to substantially inform economically challenged individuals," the statement continued. Advisories often are written only in English, the statement pointed out, and signs are not posted in many of the popular fishing locations. When fact sheets and guides are written, community involvement is not encouraged, wrote Dr. McClain; such documents therefore often present information in a way that is ineffective.

Dr. McClain's statement also pointed out that African Americans in Georgia and South Carolina are concerned about the cumulative effect of the consumption of contaminated fish with other vulnerabilities. She explained that citizens are concerned about the close proximity of water bodies to industrial operations and federal facilities. A more aggressive educational and outreach program must be implemented, wrote Dr. McClain. In summation, Dr. McClain recommended in her statement that the pollution of water bodies by industry and military entities be reduced and that communication of risk to the public be enhanced. In addition, minority communities should be involved in research, and easy to understand toxicological profiles of contamination in water bodies should be developed, the statement suggested.

3.2 Chief Johnny Jackson, Columbia EPED, Underwood, Washington

Chief Johnny Jackson, Columbia EPED, Underwood, Washington, explained to the members of the Executive Council that he lives along the Columbia River and that all the members of his family are fishermen. He stated that, 15 years earlier, he had taken from that river a fish that had no eyes. People today are dying of cancer and diabetes, he continued. The soil, water, and air along the river must be cleaned, he declared, because the residents are suffering. People in the region have been unable to obtain from state agencies information about the source of the problems, he stated. Fishing is an integral part of life for his community, Chief Jackson emphasized, and the issues of contamination are an environmental injustice, he declared.

3.3 Barbara Harper, Tyakama Nation, Yakima, Washington

Ms. Barbara Harper, toxicologist and environmental health scientist for the Tyakama Nation, Yakima, Washington, submitted to the members of the Executive Council a written statement about the water quality of the Columbia River. In the

statement, Ms. Harper explained that she has been evaluating the health consequences of consumption of fish taken from the polluted Columbia River.

Tribes living along the Columbia River have lived in the Columbia Basin for more than 10,000 years, and salmon always have been a part of the diet, culture, and religion of those tribes, the statement pointed out. Tribal members historically ate two to three pounds of fish per day, and treaties between federal and tribal governments were intended to ensure that tribes could continue to live their cultural lifestyle, she explained. Today, maintenance of a traditional diet of fish would be lethal, she pointed out, because data collected recently indicate that there are high levels of contaminants in those fish. Ms. Harper's statement asserted that the issue is one of environmental justice, as well as a matter of treaty rights and federal trust responsibility.

The statement then pointed out that a lack of technical knowledge among tribal members causes the misinterpretation of risk assessments and fish advisories. When evaluating the health effects of contamination, it continued, existing health disparities must be considered. For example, Ms. Harper's statement continued, tribal members eat more fish than non-Native Americans. Consequently, tribal members may be more sensitive to contamination physiologically, the statement emphasized. Fish advisories do nothing to address the problem, the statement declared; the burden of point and non-point source pollution therefore must be reduced. Ms. Harper pointed out that contamination is not a necessary part of progress or global economic expansion, and tribal people regard contamination as an attack on their cultural resolve. In conclusion, the statement pointed out that tribal members will continue to eat contaminated fish because doing so is an element of their culture and religion.

3.4 Marcia Henning, Washington Department of Health, Olympia, Washington

In September 2001, a section of the Duwamish River in Seattle was declared an EPA Superfund site, Ms. Marcia Henning, Washington Department of Health, Olympia, Washington, reported. The Agency for Toxic Substances and Disease Registry (ATSDR) currently is preparing a public health assessment of the river, she continued. To determine how people are exposed to toxins in the river, community members were contacted about fish consumption habits, she explained. Initial outreach efforts indicated that many immigrant and refugee people eat fish and crabs from the river, she continued.

Those residents often fish without obtaining a license, she said, and agencies must reach out to such communities to educate community members about environmental health issues. However, such individuals often distrust government agencies, she explained. Training members of the community to conduct interviews and translate materials therefore is an effective way to gather information, she said.

Ms. Henning added that when working with immigrant groups, Mr. Alan Rammer, aquatic and marine educator for the Washington Department of Fish and Wildlife, offers several strategies for success. The strategies involve identifying a respectful approach to sharing crucial information with communities, knowing the resource limitations of the agency involved, keeping promises and fulfilling commitments, asking for the views of communities, and building honest relationships, she explained. In closing, Ms. Henning emphasized that community outreach and education are essential components of the health assessment process.

3.5 Tom Miller, Columbia River Inter-Tribal Fish Commission, Portland, Oregon

Stating that his organization provides legal assistance to four Native American tribes, Mr. Tom Miller, Columbia River Inter-Tribal Fish Commission, Portland, Oregon, explained to the members of the Executive Council that, 146 years earlier, the tribes ceded most of their land in the Pacific Northwest to the federal government. The government has not honored the agreement, he stated. Because of contamination of waterways, he pointed out, tribes today are harvesting less than one percent of their historical salmon take. If tribal members continue to eat salmon at the historical rate of two to three pounds per day, they would die because of the hundreds of contaminants in the rivers, he asserted. Tribes bear a disproportionate share of the conservation burden, he added. Mr. Miller concluded his statement by pointing out that the federal government recently had authorized a \$500 million effort to remediate polychlorinated biphenyls (PCB) in the Hudson River. He expressed the hope that a similar effort will be undertaken in the Pacific Northwest.

3.6 Joanne Bonnar Prado, Washington Department of Health, Olympia, Washington

Ms. Joanne Bonnar Prado, Washington Department of Health, Olympia, Washington, explained to the members of the Executive Council that she currently was assisting in the development of a communication strategy for fish advisories. She

explained that the goal of the effort was to identify and understand communities predominantly affected by the issuance of advisories. It also is imperative to promote the reduction of sources of pollution to ensure the health of communities, she added. In addition, she continued, dietary considerations should be taken into account when the need for an advisory is assessed.

3.7 Enoch E. Shiedt, Maniilaq Association, Kotzebue, Alaska

Stating that he was speaking for the northwest arctic region, Mr. Enoch E. Shiedt, Maniilaq Association, Kotzebue, Alaska, explained that the people of Kivalina, Alaska, are concerned about the health of the Wiluk River because of contamination from a nearby mine. Trout in the river have become increasingly scarce, he said, and levels of mercury are rising. Contaminated water and the decline of fish populations in the river forces community members to supplement their source of food, he continued, and people are unable to rely on their subsistence lifestyle. Food sources that once were plentiful are becoming delicacies, he said. As a result, he explained, people are becoming malnourished because they must rely on sources of food that originate in the Western world.

Mr. Shiedt declared that the culture and heritage of Eskimos is disappearing. Eskimos kill, hunt, and trap only the wildlife they need, he explained, and all parts of an animal are used. Inability to harvest game from the natural environment makes it difficult to pass along traditions, he added. Elders are willing to pass along information about the life they historically led, as well as about what they have learned from past generations, he added, but many young people do not wish to learn about their past history. With the decline in water quality and fish populations, the people of the northwest arctic region can be considered an endangered species themselves, Mr. Shiedt stated.

3.8 Art Invanoff, Native Village of Unalakleet, Unalakleet, Alaska

Mr. Art Invanoff, Native Village of Unalakleet, Unalakleet, Alaska, stated that the contamination of subsistence food is a primary concern among tribal members. Subsistence lifestyle is not a derogatory term, he explained, and should not be associated with the poor. It is a spiritual and social lifestyle, he pointed out, and harvesting involves a sharing of tribal heritage with elders. Improving the integrity of aquatic ecosystems is a daunting task, he said, but tribes must work together with the EPA.

Climate change is negatively impacting people who live in the Arctic, he stated. Mr. Invanoff pointed out that the instability of ice in rivers due to warming temperatures makes fishing conditions much more hazardous. With regards to risk assessments, he continued, the best approach is to prevent contaminants from being released into the environment. Persistent organic pollutants (POPs) are accumulating in the Arctic Region, he explained, because they don't degrade in the cold weather.

In addition, he added, fish farms in the United States have accidentally released unwanted parasites and pathogens into waterways. This biological pollution has irreversible and unpredictable ecological impacts, he stated. Mr. Invanoff concluded by declaring that a conservative approach should be taken when considering the impact of pollution on the environment.

3.9 Rosemary Ahtuanguaruak, Inupiat Community of Arctic Slope, Barrow, Alaska

Stating that she is from the native village of Nuiqsut, Ms. Rosemary Ahtuanguaruak, Inupiat Community of Arctic Slope, Barrow, Alaska, explained that her village relies on subsistence resources for survival. Villagers harvest only what they consume, meaning they never waste, she said, and resources are left in pristine condition. Few villagers work jobs in oil and gas exploration or development, she stated, because food is too expensive for paychecks to cover. Without a safe supply of food for consumption, there is concern about surviving through the cold winter months, she explained.

Ms. Ahtuanguaruak emphasized that increasing development around the village has diminished the integrity of the natural resources on which they depend for survival. They are suffering because resources are impacted by the the development of resources the Nation needs to grow, she asserted, adding that the village's complaints are ignored during public meetings. The benefits of living a subsistence lifestyle also have been overlooked, she stated. In closing, Ms. Ahtuanguaruak reiterated that the quantity and quality of fish in the waterways surrounding her community have declined. Over the past decade, incidences of asthma, thyroid disease, and other health disorders have increased rapidly, but no research for a cause has been pursued, she said.

3.10 Wilbur Slockish Jr., Columbia River Education and Economic Development, The Dalles, Oregon

Telling the members of the Executive Council that he lives along the Columbia River, Mr. Wilbur Slockish Jr., Columbia River Education and Economic Development, The Dalles, Oregon, explained that he is practicing his ancestors' way of life. He has no formal education, he declared, but he has the knowledge that has been passed down from his ancestors. The climate is changing, he pointed out, and the water temperature is rising. In addition, he continued, dams, nuclear materials, and transportation routes are contaminating riverways.

Mr. Slockish emphasized that the absorption of contamination by natural resources should be studied. People are being harmed, he asserted, yet current studies are biased to allow the release of contaminants to continue. The environment should be protected, he said, so that people can continue to gain knowledge and experience by living from the land. His people have been affected since the 1850s, and they now suffer from diabetes and cancer, he added. Mr. Slockish pointed out that people can harvest fish only March through October and therefore cannot gather enough food to survive through the winter months.

3.11 Tom Goldtooth, Indigenous Environmental Network, Bemidji, Minnesota

Pointing out that too often in history humans have waited for damage to occur before taking precautionary action, Mr. Tom Goldtooth, Indigenous Environmental Network and former member of the Indigenous Peoples Subcommittee of the NEJAC, Bemidji, Minnesota, stated that POPs and persistent bioaccumulative toxics (PBT) have been documented in wildlife and plants in the Minnesota area. Problems associated with releases of those chemicals into the environment could be averted if EPA were to incorporate precautionary measures when assessing risk, he asserted. Uncertainty has plagued environmental regulations, he acknowledged. Regulatory agencies are required to develop safe standards for toxic chemicals, he explained, but science cannot determine what is actually a safe level of a chemical. Native Americans and minority communities have no faith in science, he declared.

Mr. Goldtooth stated that current actions of business and government allow harmful practices to continue until damages occur. Risk assessments designate arbitrarily what is acceptable, he stated, and they

focus on only one chemical at a time, ignoring the facts that most exposures are caused by numerous chemicals and that effects from cumulative exposure occur. In addition, he continued, risk assessments do not account for sensitive populations, such as children, the elderly, or the chronically ill, and they evaluate only cancer risks while ignoring other health problems.

Mr. Goldtooth emphasized that, to avoid irreparable harm in the future, whenever it is acknowledged that a practice could cause harm, the precautionary principle should be implemented. That principle mandates that practices should be prevented and eliminated if the possibility of harm exists, he said, stating that the precautionary principle is intended to prevent harm before it occurs. The principle has been embraced in international agreements that deal with environmental concerns of limited scientific certainty, he pointed out.

POPs and persistent and bioaccumulative and toxic (PBT) chemicals pose a threat of serious and irreversible damage, stated Mr. Goldtooth; the precautionary approach provides the ideal framework through which to address concerns associated with such chemicals, he urged. He emphasized that the lack of scientific certainty should not be cited as a reason for postponing measures that can prevent harm. The Indigenous Environmental Network has recommended that EPA and the NEJAC recognize the precautionary approach as an emerging principle in the environmental decision-making process, he said. In closing, Mr. Goldtooth read Principle 15 of the Rio Declaration on Environment and Development, which states, "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

3.12 Kendra Zamzow, Alaska Community Action on Toxics, Anchorage, Alaska

Ms. Kendra Zamzow, Alaska Community Action on Toxics, Anchorage, Alaska, explained to the members of the Executive Council that, every summer, people from the Village of Zamuda, Alaska go to subsistence camps located on Saint Barnes Island. The Suqi River, which runs through the island, once was a productive source of plants and fish and other wildlife, she said. However, she continued, recent contamination of the river had an extraordinary effect on the quantity and quality of

fish. Samples have been taken from the river since 1994, and every sample has shown elevated concentrations of PCBs, she stated. In addition, said Ms. Zamzow, many samples have contained hydrocarbons and heavy metals, and pockets of oil are being found in sediments taken from the river. The source for the contaminants is a nearby military site that currently is being remediated, but the job being done is not a thorough one, she charged. Ms. Zamzow requested that EPA investigate the site, because, she said, villagers have been dying from cancer. The site should be listed under Superfund, she asserted, and people should be able to revert to their subsistence lifestyle.

3.13 Hilda Booth, Native Village of Noatak, Noatak, Alaska

Ms. Hilda Booth, Native Village of Noatak, Noatak, Alaska, stated that her village in northwest Alaska depends on the consumption of fish throughout the year for survival. She stated her concern that her village does not have the resources to take samples from rivers. Ms. Booth told the members of the Executive Council that there is chemical contamination in the river; she urged that the council help her identify a way to have the river tested.

3.14 Lincoln Loehr, Heller Ehrman, Seattle, Washington

Mr. Lincoln Loehr, Heller Ehrman, Seattle, Washington, explained that, in many cases, fish consumption advisories have recommended the reduction or elimination of the amount of fish people consume. Choosing an acceptable risk level is questioned by many, he stated, and, in the absence of relevant information, the elimination of risk is always the preferred goal. However, he continued, it is highly relevant when advising people to eat less fish, because they may substitute a more risky product for the fish. A comparison with the risks associated with a diet that includes red meat is appropriate to help people make an informed decision when faced with a fish consumption advisory, he added.

People should be provided with risk-based information related to methods of preparing foods that add risk, such as smoking fish, which adds combustion polycyclic aromatic hydrocarbons (PAH), said Mr. Loehr. In summation, he pointed out that the rates of colon cancer are much higher among consumers of red meat, compared with consumers of fish. Risks associated with eating smoked fish and fish that has not been smoked and red meat should be quantified, he urged.

3.15 Bill Doyle, Sierra Club, Seattle, Washington

Pointing out that most of the evening's discussions had focused on environmental justice issues related to chemical pollution, Mr. Bill Doyle, Sierra Club, Seattle, Washington, stated that, in the Pacific Northwest, environmental justice also is being denied because of the vast number of dams on rivers. That injustice primarily affects Native Americans, he stated. Salmon are protected by treaty right for Native Americans, he explained, and the nation has a moral and legal obligation to honor that treaty obligation.

Environmental justice is also denied to low-income residents of fishing communities in southwest Washington and northwest Oregon, stated Mr. Doyle. As fisheries have declined in those regions, so have the local economies of those communities, he said. Mr. Doyle explained that the bulk of the salmon on which people in those areas depend comes from the Columbia River Basin, including the Snake River, but some salmon runs on the river already are extinct, he pointed out.

For years, continued Mr. Doyle, independent scientists have insisted that the only way to save remaining salmon runs is to remove four federally-owned dams on the river, he said. The four dams were built in the 1960s and 1970s, he added, when there were healthy, sustainable salmon runs in the river. Since construction of the dams, salmon runs on the river have declined by 90 percent, he stated.

Mr. Doyle emphasized that a statutory objective of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." A river can be considered clean only if it is supporting the life and the people that it always has supported, he asserted. We cannot continue to rely on failed technologies to move salmon around the dams, he stated. Environmental justice demands that we preserve the salmon, he declared; to do so, all that is necessary is to enforce existing laws. Mr. Doyle then called for the NEJAC to recommend that existing laws be enforced.

3.16 Coleen Poler, Mole Lake Sakoagon Defense Committee, Crandon, Wisconsin

Ms. Coleen Poler, Mole Lake Sakoagon Defense Committee, Crandon, Wisconsin, pointed out that the introduction of foreign species into riverways in northern Wisconsin is creating harmful competition with native species. Species that are not native to the area must not be introduced, she emphasized. In addition, she continued, water treatment is not

effective. To pollute and then treat, she continued, contradicts the premise of the Clean Water Act. All the earth is sacred, she declared.

Ms. Poler also explained that the members of her community rely heavily on clean water because of their subsistence lifestyle. She stated that she is very concerned about the health of her people. The integrity of the water in the Great Lakes must be preserved, she said, because it is the last great mass of fresh water on the planet. People must stand together to fight negative political agendas, she asserted.

3.17 Cheryl Steele, Elem Indian Colony, Clearlake Oaks, California

Explaining that the Elem Indian Colony is located near a Superfund site, Ms. Cheryl Steele, Elem Indian Colony, Clearlake Oaks, California, told the members of the Executive Council that her organization would like to apply for a grant to perform a study of fish consumption by tribal members. The colony is located approximately 750 yards from a large mercury tailing pit, she continued, and many villages have been built on top of old pits. Fish advisories are posted along waterways throughout the colony, she said, and people are not eating the fish. She explained that her organization would like to conduct a survey to determine how people have been affected by the advisories. Ms. Steele requested practical advice from the NEJAC about what actions the communities can take, given that the fish are inedible.

3.18 Dottie Chamblin, Indigenous Women's Network

Pointing out that the Makah tribe owns land that adjoins the Pacific Ocean, Ms. Dottie Chamblin, Indigenous Women's Network, noted that tribal members rely on seafood for subsistence. She recounted a story that originated in 1968, when a fisherman near her village caught a large halibut, but would not allow the tribal members to eat the fish because he believed it was contaminated with mercury. Recently, overfishing and contamination has depleted the number of fish in the waterways, she said. The members of the tribe must eat fish, she emphasized, because it is a spiritual part of their culture. Because the tribe is unable to practice a subsistence lifestyle, tribal spirituality is declining, she added. Many villagers still eat contaminated fish, she pointed out, because there is nothing else to eat. People are dying of cancer, she continued, and the tribe has no money to fight the polluting entities. Environmental justice has been discussed

since 1968, she stated, but the situation only worsens. Ms. Chamblin concluded her statement by emphasizing that humans are part of the food chain, as well, and that all life must be respected.

3.19 Jeffrey Thomas, Puyallup Tribal TFW Program, Puyallup, Washington

Explaining that the land of the Puyallup Tribe is located south of Seattle, Mr. Jeffrey Thomas, Puyallup Tribal TFW Program, Puyallup, Washington, stated that the tribe has reserved fishing, hunting, and gathering rights on the reservation, as well as some distributed throughout the ceded lands of the tribe. The commitment relies on the natural resources to fulfill the physical and cultural needs of its members, he said. The health and integrity of the waters in the Puyallup watershed are integral to the members of the Puyallup tribe, he added.

Salmon are the symbol of the Puyallup tribal government, Mr. Thomas declared, and the tribe's concerns about the plight of the salmon are evident in the numerous federal court proceedings and decisions associated with decisions related to fishery management. The diminishing condition of the salmon stocks and their habitats are an environmental injustice, he declared. He stated further that zero fish contamination must be the standard, rather than total maximum daily limits. Tribal social and cultural concerns should be incorporated into the NEJAC's fish consumption report, he said. In closing, Mr. Thomas stated that the tribe recommends that the NEJAC fish consumption report be used as the framework upon which additional work and development of the topic are founded.

3.20 June Martin and Jesse Gologergen, Alaska Community Action on Toxics, Anchorage, Alaska

Ms. June Martin, Alaska Community Action on Toxics, Anchorage, Alaska, stated that she lives in the Alaskan community of Zamuda, where, every summer, the villagers attend subsistence camp to hunt walrus, seal, whales, and fish and to harvest plants. The villagers recently have been told to consume less fish, she said, because of the increasing contamination of waterways. Elders are dying of cancer, she explained; military sites nearby are the suspected sources of pollution, she added. Ms. Martin emphasized that, if the wildlife are contaminated and inedible, the community's spirit and culture will disappear. The government should protect people from contamination, she declared,

and the NEJAC should recommend that the military site on St. Lawrence Island be listed on the National Priorities List under Superfund. In addition, she continued, a framework should be established so that the rural community can take action on issues of environmental justice.

Ms. Jesse Gologergen, Alaska Community Action on Toxics, Anchorage, Alaska, also stated that people in the community are dying of cancer and that birth weights of children are declining. In addition, marine animals suffer from lesions and other health defects, she said. Members of the community know the military site on St. Lawrence Island is the cause of those problems, she asserted. Ms. Gologergen stated that she would like to speak with organizations or agencies that can provide assistance to the community.

3.21 Doris Bradshaw, Defense Depot Memphis Tennessee Concerned Citizens Committee, Memphis, Tennessee

Stating that she had made earlier presentations before the members of the Executive Council, Ms. Doris Bradshaw, Defense Depot Memphis Tennessee Concerned Citizens Committee, Memphis, Tennessee, voiced concerns about federal facilities. Ms. Bradshaw emphasized that EPA is not the regulatory agency that should deal with the DoD. She questioned the progress the federal facilities working group of the NEJAC had made and stated that communities are willing to wait to see what the results will be.

Ms. Bradshaw stated that, in September 2000, while cleaning chemical warfare out of her community, several U.S. Army Corps of Engineers workers who had been suited in full gear were hospitalized because of exposure to contaminants. On January 18, 2001, mustard gas was being cleaned from soil and taken to an unregulated dump, she alleged. She pointed out that there is no regulated dump in Tennessee that can accept such material. It seems that the representatives of federal government are terrorists, she charged. EPA is supposed to be an enforcer and a regulator, she emphasized. She then asked what are EPA's regulatory capabilities when the agency deals with federal facilities. She pointed out that there are agencies that are supposed to help, but stated that "nothing is getting done."

3.22 Richard Moore, Southwest Network for Environmental and Economic Justice, Albuquerque, New Mexico

Expressing concern about environmental justice and the NEJAC, Mr. Richard Moore, Southwest Network for Environmental and Economic Justice, Albuquerque, New Mexico, and former chair of the Executive Council of the NEJAC, stated that he had been involved in environmental justice issues in EPA Regions 6, 8, and 9. Results of meetings with the Deputy Regional Administrator in Region 6 have been productive, he said. In addition, he said, he had been engaged in dialogue with EPA representatives in regions 8 and 9, and that activity will continue.

Mr. Moore stated that he recently had sent a letter to the new Administrator of the EPA, to initiate a dialogue about EPA and its commitment to integrating environmental justice into its programs and policies.

Mr. Moore expressed dissatisfaction with the NEJAC strategic plan. He took issue with the statement of the NEJAC strategic plan that NEJAC's previous concentration on site specific issues distracted the NEJAC from its original mission as an advisory council. He stated that this was an "insult" to people who bring issues of a site-specific nature before the NEJAC. In addition, he continued, the council should be made up of a majority of "grassroots people." He also questioned why the NEJAC was the only federal advisory council that includes members of grassroots organizations on its Executive Council. All federal advisory councils should have such members, he declared. If the NEJAC is to be respected, the council should encourage other federal advisory councils to follow its lead.

3.23 Violet Yeaton, Port Graham Village Council, Port Graham, Alaska

Ms. Zamzow presented a written statement prepared by Ms. Violet Yeaton, Port Graham Village Council, Port Graham, Alaska. The Port Graham tribe is a federally-recognized tribe, whose village is located southwest of Anchorage, the statement read. Port Graham is heavily dependent on a traditional way of life, which always has been a part of the people's heritage, the statement continued. Knowledge of natural resources has been passed from generation to generation, and the tribal culture is dependent on the health of the traditional resources, Ms. Yeaton said in her statement.

Contamination of food sources has become an emerging concern in rural Alaska, especially among Alaskan natives who consume large amounts of wild food each year, the statement pointed out. An EPA study conducted in 1996 in the lower Cook Inlet found evidence of significant levels of contamination, the statement continued. Over the past five years, the tribes have struggled to have meaningful collaboration with EPA, Ms. Yeaton's statement charged. The tribes that participated in the study do not believe that EPA supports tribal sovereignty, the statement asserted. It is very important that EPA and other federal agencies place tribal concerns above political sensitivity so that actual health risks can be determined, the statement said.

Data on contaminants warn of a global pollution crisis, Ms. Yeaton's statement continued, and the long-term practice of allowing industry to discharge pollution is detrimental to native culture. Contamination that appears in native foods are discharged from the local oil and gas industry, the statement read. EPA currently allows the oil and gas industry in Cook Inlet to operate under a National Pollution Discharge Elimination System (NPDES) waiver from the national zero discharge law under the Clean Water Act, Ms. Yeaton said in the statement. The zero discharge waiver should be repealed immediately, the statement declared.

3.24 Pamela K. Miller, Alaska Community Action on Toxics, Anchorage, Alaska

Ms. Pamela K. Miller, Director of the Alaska Community Action on Toxics, Anchorage, Alaska, explained to the members of the Executive Council that her organization works to stop the production, proliferation, and release of toxic chemicals that may harm human health or the environment. Contaminants from military sites in Alaska pose a serious threat to people who rely on traditional diets of fish and marine mammals, she said. She pointed out that the arctic has become a "sink" for POPs, industrial chemicals such as PCBs, and chemical by-products. Many persistent pollutants originate from thousands of miles away and travel north by wind and ocean currents, she explained, and they accumulate in the cold environment.

The signing of the international treaty on persistent pollutants at the Stockholm Convention in May 2001 is an important first step toward the protection of all people's health, Ms. Miller said. The Alaska Community Action on Toxics, she continued, requests that the NEJAC help ratify the treaty of the Stockholm Convention by the United States Senate, implement regulations to eliminate exposure to

dioxin, and expedite the inclusion of persistent chemicals that merit phase-out and elimination. Ms. Miller emphasized that the harmful use of pesticides that damage the health of people where they are produced and used must be prevented. For example, she continued, the pesticide lindane is toxic and persistent, but it is not included in the current list of 12 chemicals targeted for phase-out through the Stockholm Convention or under EPA's Persistent and Bioaccumulative Toxic Chemicals Initiative. Lindane is banned in numerous countries, she pointed out, and EPA currently is reviewing through a risk assessment process allowable uses for lindane in the United States. Her organization is concerned about the inadequacy and oversimplification of the risk assessment for Alaskan native peoples, she asserted.

In addition, there are five military Superfund sites and approximately 700 formerly used defense sites in Alaska. Many of those sites are contaminated with PCBs and dioxins, she added, and the people who live near those sites are concerned about health problems potentially linked to exposure to chemicals. Many of the sites that are considered remote are actually in close proximity to Alaskan native communities or the traditional fishing and hunting areas of the tribes, she pointed out. Ms. Miller emphasized that EPA must hold DoD accountable for the responsible cleanup of hazardous waste sites in Alaska.

3.25 Jonathan Betz-Zall and Kristine Wong, Antioch University Seattle, Seattle, Washington

Stating that Antioch University in Seattle, Washington, requires that students take a course that deals with environmental justice, Mr. Jonathan Betz-Zall, Antioch University Seattle, Seattle, Washington, introduced Kristine Wong, Antioch University Seattle, Seattle, Washington. Ms. Wong explained to the members of the Executive Council that she had worked from 1995 through 1997 as the project director for the Seafood Consumption Information Project. The project focused on conducting community-based research and education on the issue of consumption of contaminated fish from San Francisco Bay, she stated. Thousands of people regularly fish in the bay, she pointed out, and most of those individuals are people of color who typically eat what they catch. Among Asian Pacific Islanders and Native Americans, fish is a dietary staple, as well as an integral part of cultural tradition, she explained. In 1994, a study conducted by the San Francisco Bay Area Regional Water Quality Control Board indicated

that fish in the bay are contaminated with dioxin, mercury, PCBs, and other harmful chemicals, she stated.

In 1995, the Seafood Consumption Information Project conducted a survey to document who was fishing in the bay, she explained. The study revealed that people of color are affected disproportionately by contaminated fish. Minority populations are more likely to eat the most contaminated parts of the fish, she stated, as well as to be less aware of health warnings associated with that consumption. In addition, she continued, many people exceed the consumption rates recommended by California's Office of Environmental Health Hazard Assessment. Ms. Wong emphasized that many terms frequently used in health warnings should be modified to reflect the language commonly used by those who fish for food.

Ms. Wong recommended that health risk assessments account for people who eat the most contaminated parts of the fish and that health agencies study the synergistic effects of chemicals. In addition, she continued, federal, state, and local governments should enforce strict regulations that work to phase out the production of PBTs.

3.26 John Ridgeway, Washington Department of Ecology, Olympia, Washington

Mr. John Ridgeway, Washington Department of Ecology, Olympia, Washington, commended the NEJAC for developing its fish consumption report. He emphasized that the report provides relevant advice for EPA, community groups, and educators. The report helped him educate his management, he added, and helped his managers understand that the issues of fish consumption and contamination are important and warrant attention.

Mr. Ridgeway encouraged the NEJAC to continue holding meetings in locations around the county and to continue bringing pertinent issues to the attention of policymakers. He also suggested that the NEJAC Council change the unit "grams per day" used in the report to "pounds per day" or "number of fish per day" because most people do not understand grams.

3.27 Holly Welles, Pacific Gas and Electric Company, San Francisco, California

Stating that Pacific Gas and Electric is committed to the fair treatment of all people, Ms. Holly Wells, Pacific Gas and Electric Company, San Francisco, California, reported that her company had adopted a formal environmental justice policy. The company

maintains a training program for employees, she continued, and is working closely with EPA's environmental justice working group to develop a high-quality approach to training in environmental justice.

3.28 Winona LaDuke, White Earth Land Recovery, Ponsford, Minnesota

Pointing out that there are 47 lakes on her reservation in northwestern Minnesota, Ms. Winona LaDuke, White Earth Land Recovery, Ponsford, Minnesota, explained that treaty rights have secured the tribe's right to "harvest and sustain." Under the treaties, the members of the tribe have a right to eat fish and rely on them to feed their bodies and souls, she stated. Because more than half the people on the reservation live below the poverty level, she pointed out; subsistence fishing sustains the community. Increasing levels of mercury, heavy metals, and PCBs in the waterways must be addressed, she declared. However, many fish advisories limit consumption to one fish per week, she said. In addition, she continued, contaminated water is affecting wild rice in the region, pointing out that frogs that have extra legs have been found. Ms. LaDuke expressed concern about the effects contamination will have on her community and the economic effects resulting from the community's inability to harvest food.

3.29 Sara Koopman, Amazon Alliance, Seattle, Washington

Ms. Sara Koopman, Amazon Alliance, Seattle, Washington, submitted to the members of the Executive Council a written statement about the effects of fumigation of coca in Columbia, which is funded by the United States. On July 19, 2001, the NEJAC drafted a letter to EPA Administrator Christine Todd Whitman that requested increased scrutiny and public disclosure of the fumigation and its effects, she stated. The reply received from staff of EPA was inadequate, she declared. Ms. Koopman requested that the NEJAC follow up on the letter with another request for Administrator Whitman.

Ms. Koopman noted in her statement that, on a recent visit to Putumayo, Columbia, where most of the fumigation occurs, she was alarmed to see children with skin sores that had appeared shortly after the spraying was carried out and which have persisted for more than six months. People also suffer from constant headaches after the spraying, she pointed out in the statement. When representatives of the United States embassy in

Columbia were informed about the side effects, those officials claimed that there was no proof that the problems were a result of the fumigation, she stated. If such problems were occurring in a middle-class, white neighborhood, the government would stop the spraying immediately, the statement asserted. The situation is an ongoing environmental injustice, Ms. Koopman's statement declared. She urged that the NEJAC follow up on the issue.